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March 21, 2024

Via Electronic Filing

The Hon. Arun Subramanian, U.S.D.J.
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Van Duser et al v. Tozzler Ltd. et al*
Case No.: 1:23-cv-09329-AS

Dear Honorable Judge Subramanian,

This law firm is counsel to Defendants Tozzler Ltd., Lapizza Shop, Inc., Bowery Tech Restaurant LLC (collectively, the “Corporate Defendants”), Jonathan Toubin, Johnny Yerington a/k/a “Johnny T,” Jesse Malin, and Laura McCarthy (collectively, “Individual Defendants”, and collectively with the Corporate Defendants, the “Defendants”) in the above-referenced matter. This letter is submitted jointly with counsel for Plaintiffs¹

Pursuant to Your Honor’s Individual Motion Practice Rules 3(E), this joint letter respectfully serves to request an extension of time to submit a joint letter from March 21, 2024 to, through and including, a date and time set by the Court on or after April 20, 2024.

The basis of this request is that the parties require additional time to meet-and-confer pursuant to Federal Rule of Civil Procedure (“Fed.R.Civ.P.”) 26(f), and pursuant to Your Honor’s Individual Motion Practice Rule 4(E).

The parties expect to be in a position to meet-and-confer, and prepare a substantive joint letter on or after April 20, 2024 (*i.e.*, upon the completion of Defendants’ investigation into the allegations of Plaintiffs’ Complaint) [*see, e.g.*, Dckt. No. 24].

In light of the foregoing, it is respectfully requested that the Court extend the parties’ time to submit a joint letter from March 21, 2024 to, through and including, a date and time set by the Court on or after April 20, 2024.

¹ “Plaintiffs” collectively refer to Plaintiffs Natasha Van Duser, Jackson Lea, Charlotte Mason, Tristan Hsu, Morgann Daniels, America Rose Marvelous Herve, Ryan Mickelsen, Kayl Ward, Stephanie Ospina, Zoë Fromer, Nicole Irrizarry and Julieta Winters.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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Attorneys for Plaintiffs

Via ECF: All Counsel

This is fine, but the clock is running on discovery. That means the parties should negotiate an expedited discovery schedule and should begin the process in earnest, not wait for an extra month only to expect to start at square one in May. The March 29 conference is rescheduled for April 29 at 4 p.m. The dial-in information remains the same. The joint letter and case-management plan is due by April 25 at 5 p.m.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: March 25, 2024